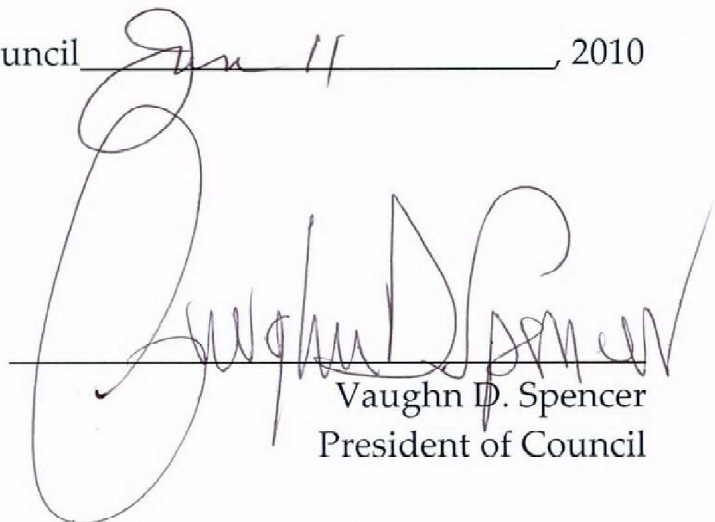


RESOLUTION NO. 7-2010

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:

Denying the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for 916 Madison Avenue, owned by Delfina Velasco, ordering the removal of the side-by-side replacement window on the first floor front façade and further ordering that the window be replaced with a double hung (one-over-one) replacement window in the same size as the original window by April 30, 2010 and authorizing one extension not to exceed June 30, 2010.

Adopted by Council June 11, 2010



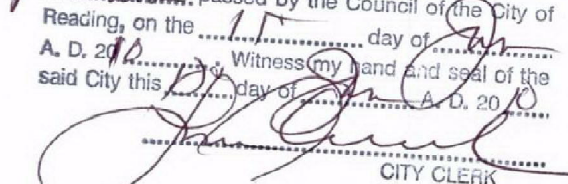
Vaughn D. Spencer
President of Council

Attest:



Linda A. Kelleher CMC, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 11 day of June, A. D. 2010. Witness my hand and seal of the said City this 11 day of June, A. D. 2010.



CITY CLERK

Appeal of Historic Architectural Review Board Certificate of Appropriateness

**IN THE MATTER OF
916 MADISON AVE.**

**OWNED BY
DELFINA VELASCO**

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**BEFORE THE
CITY OF READING**

CITY COUNCIL

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND AGREED RESOLUTION

On Tuesday, December 22, 2009 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) at their October 20, 2009 meeting on the application for Certificate of Appropriateness (COA) for the installation of twelve (12) replacement windows (front and rear) at the property located at 916 Madison Avenue, owned by Delfina Velasco (Respondent), located in the Centre Park Historic District. HARB approved of all the replacement windows except the replacement window on the first floor front façade, as this window does not meet with the standards set by the U.S. Secretary of the Interior's Standards for Rehabilitation.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is a Board authorized by the City of Reading Codified Ordinances Chapter 4 Part 1 – Historic Districts. The HARB is a Board of eleven (11) duly qualified members.
2. The Historic Preservation Ordinance mandates that the Preservation Specialist, the HARB, and City Council shall be guided by the United States Secretary of the Interior's Standards for Rehabilitation.
3. Twelve (12) replacement windows were installed on the front and rear facades of 916 Madison Avenue without building permits or a COA. After receiving a

notification from the City's Zoning Enforcement Officer, the Historic Preservation Specialist issued a violation letter.

4. The Respondent appeared at the October 20, 2009 HARB meeting and requested that the Board issue a Certificate of Appropriateness approving the installation of the twelve (12) replacement windows on the front and rear facades of the property.

5. HARB approved the Certificate of Appropriateness for the eleven (11) replacement windows on the rear façade and upper floors of the front façade but denied the COA for the side-by-side replacement window on the first floor front façade as it does not comply with the Secretary of the Interior Standards for Rehabilitation.

6. The Respondent requested an appeal hearing before City Council and was provided with the hearing date by the City Clerk and the Historic Preservation Specialist.

7. City Council took testimony from the Respondent and the Historic Preservation Specialist at the hearing held on Tuesday, December 22, 2009.

8. The Respondent stated that she purchased the home six (6) years ago and was unaware that the property was located inside the Centre Park Historic District.

9. The Respondent explained that she was instructed by a City Codes Inspector to fix the broken windows on the property. The respondent stated that she decided to simply replace the windows instead and was not aware of the need to obtain a building permit or a COA. The windows were installed by a family member who was also unaware of the City's regulations.

10. The Respondent stated that she was willing to replace the side-by-side replacement window with a double hung (one-over-one) replacement window but requested permission for time to make the change. She stated that she is financially unable to complete the change until she receives her 2009 tax refund.

11. The Historic Preservation Specialist stated that the Centre Park Historic District organization mails letters to realtors and property owners notifying them of the historic district requirements.

12. The Historic Preservation Specialist stated that HARB does approve replacement windows as long as they comply with the Secretary of the Interior's Standards for Rehabilitation. She added that the window installed on the front first floor façade was smaller than the original window and infill was used to fill the resulting gaps around the new window, which also does not comply with the Secretary of the Interior Standards for Rehabilitation.

13. Legal Specialist Butler entered photographs of 916 Madison Avenue and the agenda with its attachments into the record.

Conclusions of Law

Chapter 4 Buildings Part 1 Historic Preservation is authorized in the Codified Ordinances of the City of Reading, Pennsylvania, regulates and restricts the

construction, reconstruction, alteration, restoration, demolition or razing of any building, structure, site or object within a designated historic district, in whole or in part, and prescribes certain procedures relating to the issuance of permits for such properties. Until a certificate of appropriateness is issued no construction shall be undertaken, and any construction which has occurred prior to the issuance of the permit shall, if ordered by the Historic Architectural Review Board or City Council, be removed. The project at 916 Madison Avenue was completed without the required permits. The Codified Ordinances require the Historic Preservation Specialist, the Historical Architectural Review Board and City Council to uphold the standards issued by the U.S. Secretary of the Interior.

Order and Agreed Resolution

The City of Reading City Council hereby denies the appeal of the Certificate of Appropriateness for 916 Madison Avenue, owned by Delfina Velasco and upholds the decision of the Historical Architectural Review Board, as adopted in Resolution 145-09. The City of Reading City Council further orders the replacement of the side-by-side window installed on the first floor front façade with a double hung, one-over-one, replacement window sized to match that of the originally installed window by April 30, 2009. Further more, due to the hardship nature of this situation, City Council authorizes the Historic Preservation Specialist with the ability to issue one extension period, not to extend beyond June 30, 2009, to the Respondent if the Respondent does not receive her federal tax refund and requires additional time to comply with this order. The letter authorizing the extension shall be prepared and executed by the Historic Preservation Specialist and the City Clerk.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.